

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 05-100189DAE-01
	)	
Plaintiff,	)	
	)	
v.	)	
	)	DECLARATION OF COUNSEL
KEITH IMAI,	)	
(01)	)	
	)	
Defendant.	)	
_____	)	

DECLARATION OF COUNSEL

MYLES S. BREINER, under penalty of perjury states that:

1. I am the attorney of record for Defendant Keith Imai in the above-noted case.
2. On April 14, 2005, a Criminal Complaint was filed in the United States District Court under Mag. No. 05-00189DAE.
3. In the Affidavit in Support of Criminal Complaint, the Government alleged that ammunition and a Mossberg Hunting rifle with one live round in the chamber was found at Defendant's place of business.
4. On May 12, 2005, an Indictment was issued for Defendant, however, the Indictment did not contain any firearm charges for Defendant.
5. At the detention hearing, it is Counsel's understanding that the Court also considered the firearm in finding that Defendant posed a danger to the community.
6. The Court also determined that Defendant was a flight risk. After discussions with Defendant, Counsel was informed that Defendant is a life-long resident of

the State of Hawaii, and does not possess a passport.

7. Since Defendant's initial Detention Hearing there have been numerous continuances at the Government's request, largely based upon the Government's representation of a pending superseding indictment, which has yet to be filed, and the "complex" nature of an otherwise typical multi-defendant conspiracy case.

8. Based on the foregoing, Defendant respectfully requests the Court reconsider its prior Order Granting Motion to Detain Without Bail, and release Defendant pending trial in the instant matter. Defendant is willing to abide by any and all terms and conditions imposed by this Court and U.S. Pretrial Services.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/21, 2006.

A handwritten signature in black ink, appearing to read 'Myles S. Breiner', written over a horizontal line.

MYLES S. BREINER